IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

MACA.No. 960 of 2007(B)

OPMV.1219/2002 OF PRL. MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
.....

APPELLANT/PETITIONER IN OP(MV)

RAMESHAN, S/O.KUTTAYI, AGED 41 YEARS,
POOZHIKUNNATH HOUSE, CHALAPPURAM POST,
KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS IN OP(MV)
----

1. M.K.SHIBU KUMAR, AGED NOT KNOWN,
RESIDING AT UDAYAM, KOLAPARUTHY PADAM, NALLALAM
POST, KOZHIKODE.

2. P.K.CHANDRASEKHARAN, AGED 56 YEARS,
PAZHUKUNNATH HOUSE, CHALAPURAM POST,
KOZHIKODE.

3. THE UNITED INIDA INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE-I, WHITE LINE BUILDING,
KALLAI ROAD, KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.960 OF 2007

Dated 25th June, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner met with an accident on 26.1.2002 while he was walking through the side of the road. According to him, an autorickshaw bearing registration No.KL-11-E-6872 allegedly driven by the second respondent hit him and he sustained serious injuries including fracture. In Ext.A2 wound certificate, history of the injuries was stated as `autorickshaw in which he was travelling overturned on 26/1/2002 at 9.30 p.m.' Vehicle involved in the accident is a goods autorickshaw. The Tribunal correctly found that no such incident occurred and the appellant falsely filed the claim. He produced Ext.A1 F.I.R. In the F.I.R. the vehicle involved is not KL-11-E-6872, but, it is KL-11-E-6978. Further, in the F.I.R. the injured person is one Balakrishnan and not the appellant. The wound certificate produced by him shows that he was admitted in the hospital on 27.1.2002 at 6 p.m. even though accident occurred on the previous day. The appellant also did not give oral evidence even though case was pending from 2002 to 2006. The Tribunal dismissed the case with a cost of Rs.5,000/= as appellant fraudulently tried to get

compensation. We are of the opinion that no grounds are made out to interfere in the impugned award.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

tks